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REMARKS

This amendment is being filed in response to the Office Action dated October 20, 2005. For the following reasons, this application should be considered in condition for allowance and the case passed to issue.

Claims 1-16 are active and pending in the present application. All claims stand rejected under a non-Final Office Action dated October 20, 2005. Claims 1, 2, 4, 6-10 and 14-16 stand rejected under 35 USC §103 as unpatentable over Stallmo in view of Belhadj. Claims 3 and 5 stand rejected under 35 USC §103 as unpatentable over Stallmo and Belhadj and further in view of Monday. Claims 11-13 stand rejected under 35 USC §103 as unpatentable over Stallmo and Belhadj in view of Bobbitt et al.

The specification on page 14 is objected to for misidentifying an element. Accordingly, a replacement paragraph is included herewith correcting the objectionable paragraph.

In rejecting claims 1, 2, 4, 6-10 and 14-16 the Examiner asserts that Stallmo discloses the invention substantially as claimed but admits that Stallmo does not disclose operating within the context of a mirrored virtual disk. The Examiner contends, however, that Belhadj discloses such a feature and concludes that it would have been obvious to combine the two references because doing so would allow "attaching of RAID's to a virtual disk for a mirror device because this would allow for varying levels of data availability and system performance."

Applicants respectfully disagree with the Examiner's interpretation of the teaching of Belhadj and submit that the combination of Stallmo and Belhadj do not disclose or suggest every limitation recited in claims 1, 2, 4, 6-10 and 14-16. In particular, the "redundancy groups" of Belhadj do not refer to mirrored virtual disks. Redundancy groups within Belhadj refer to distinct virtual RAID level storage spaces. For example, one redundancy group may be RAID level 1.

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while the other redundancy groups may be other RAID levels such as 5. Still other redundancy groups may be other RAID levels such as 2, 3, 4, 5 or 6 (See column 7: lines 44-52). Thus, the redundancy groups do not refer to mirrors of a virtual disk as asserted by the Examiner. There is one instance in which Belhadj recognizes that a disk may be mirrored (see column 9, lines 4-10). However, this realization is not a teaching of mirroring virtual disks but is simply recognition that RAID level 1 accomplishes its goal by mirroring data. Thus in any RAID level 1, data is mirrored; but this does not refer to mirroring virtual RAID disks.

Applicants urge that Belhadj does not disclose or suggest mirrored virtual disks as recited in claims 1, 6, 7, 8, and 14. Also Stallmo does not teach or suggest mirrored virtual disks. Thus, even when combined, the two references do not teach or suggest every limitation recited in the claims. Thus, the combination of references does not provide the factual basis for establishing a *prima facie* case of obviousness under 35 USC §103 with respect to these claims. Reconsideration and withdrawal of the rejection under 35 USC §103 of claims 1, 2, 4, 6-10 and 14-16 are respectfully requested.

The disclosure of Monday is relied on, with respect to claim 3 and 5, for teaching control of storage space via an operating systems. Applicants urge that Monday does not disclose or suggest mirrored virtual disks and, therefore, even in combination with Stallmo and Belhadj do not disclose or suggest all the limitations recited in claims 3 and 5 which were incorporated from their parent claims. Thus, the combination of references does not provide the factual basis for establishing a *prima facie* case of obviousness under 35 USC §103 with respect to these claims. Reconsideration and withdrawal of the rejection under 35 USC §103 of claims 3 and 5 are respectfully requested.

With respect to claims 11-13 the disclosure of Bobbitt et al. is relied on for its teaching of a plurality of hosts. Applicants urge that Bobbitt et al. does not disclose or suggest mirrored virtual

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disks and, therefore, even in combination with Stallmo and Belhadj do not disclose or suggest all the limitations recited in claim 11. Thus, the combination of references does not provide the factual basis for establishing a *prima facie* case of obviousness under 35 USC §103 with respect to these claims. Reconsideration and withdrawal of the rejection under 35 USC §103 of claims 11-13 are respectfully requested.

In view of the above comments, Applicants believe all claims are in condition for allowance and passage of this case to issue is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,
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